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March 4, 2021

**BY ECF AND EMAIL**

Honorable James L. Garrity, Jr.  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004

Re: In re Orly Genger  
Chapter 7 Case No. 19-13895

Dear Judge Garrity:

This firm is counsel to Deborah J. Piazza, in her capacity as successor chapter 7 trustee (the "Trustee") of the above-referenced Debtor's estate.

This letter briefly responds to the letter of Adam Pollock dated February 28, 2021 on behalf of Michael Oldner in his capacity as trustee of the Orly Genger Trust. The letter attempts to justify the speaking objections and directions not to answer during the June 25, 2020 deposition, which contributed to the significant delays in the deposition. I was present during Mr. Oldner's deposition and while Mr. Bowen took the lead in the deposition, I also asked questions, as did others. At the end of the letter, Mr. Pollock suggests that Msrs. Bowen and Herschmann should not be allowed to continue the deposition. To be clear, while I did not speak up at the recent conference on February 25, 2021 on this particular discovery issue that was addressed by Mr. Bowen (and supported by Mr. Herschmann), I believe it is abundantly clear from the record that the Trustee as well as other parties (including the Debtor) have an interest in the continuation of the deposition. A review of the transcript also makes clear that several attorneys, including myself, disagreed with Mr. Pollock's unilateral designation to himself as the arbiter of relevance at the deposition.

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As the Court is considering this issue in advance of the March 5<sup>th</sup> conference, I thought it appropriate to clarify the record, for the avoidance of all doubt, the Trustee joins in the requests of other parties interest to continue the deposition of Mr. Oldner. Certainly, there is no need for a full day, but an additional 2 to 3 hours should be more than sufficient to complete the deposition.

We look forward to the upcoming conference on March 5, 2021 at 3:00 p.m.

Respectfully submitted,

/s/Rocco A. Cavaliere

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